

**UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

<b>MICHAEL STEPHENS,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>Case No. CIV-22-1084-G</b>
	)	
<b>TTH TRANSPORT LLC et al.,</b>	)	
	)	
<b>Defendants.</b>	)	


**ORDER**

Now before the Court is Plaintiff Michael Stephens’ Motion to Strike (Doc. No. 46), seeking to strike Defendant TTH Transport LLC’s (“TTH”) defenses as “insufficient” pursuant Federal Rule of Civil Procedure 12(f). Defendant TTH has responded to the Motion (Doc. No. 57).

Plaintiff argues that the Court should strike the defenses raised by Defendant TTH in its Answer (Doc. No. 6), which was filed on December 28, 2022. Motions under Rule 12(f) must be made “either before responding to the pleading or, if a response is not allowed, within 21 days after being served with the pleading.” Fed. R. Civ. P. 12(f); *see Sterling Consulting Corp. v. Credit Managers Ass’n of Cal.*, 252 F. App’x 915, 917 (10th Cir. 2007). Plaintiff filed the instant Motion on February 22, 2024, over 400 days after being served with Defendant TTH’s Answer, and has provided no compelling explanation for the delay.

Accordingly, the Motion to Strike (Doc. No. 46) is DENIED.

IT IS SO ORDERED this 1st day of May, 2024.

  
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CHARLES B. GOODWIN  
United States District Judge